

REMARKS

The applicant respectfully requests reconsideration in view of the above amendments and following remarks. The applicant has amended claims 1, 14 and 16 by deleting formulas (II) or (IV) from the claims. The applicant has deleted the second occurrence of N-alkylcarbazole in the definition of Ar in claim 1. The applicant has cancelled the non-elected claim 2.

The Examiner has allowed the elected species.

Claims 1, 4, 5, 8, and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by US 2003/0068536 A1 (Tsuboyama et al.). Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuboyama et al. The applicant respectfully traverses these rejections.

Rejections Over Tsuboyama

Claims 1, 4, 5, 8, and 12 are rejected under 35 U.S.C. 102(e) as being anticipated by Tsuboyama et al. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuboyama et al.

At page 6, paragraph no. 17 of the Office Action, the Examiner stated:

[t]he Declarations under 37 C.F.R. 1.131 filed 18 August 2008 and 24 March 2009 are insufficient to overcome the rejection of Tsuboyama et al. (US 2003/0068536) as set forth above. While the declarations establish prior invention of certain embodiments of the instant formula (I) they do not establish prior invention of embodiments of the instant formula (II) because thiophene is not considered an obvious variant of phenyl.

In order to expedite prosecution, the applicant has cancelled formula (II) from the claims. The applicant believes that as the Examiner has correctly stated the declarations establish a prior invention for the instant formula (I). Therefore, since the claims are limited to formula (I) Tsuboyama is not prior art and these rejections should be withdrawn.

Non-elected Claims be rejoined

The applicant believe that the search should be extended to non-elected species of formula (I) wherein Y = O or S (claim 3). Furthermore, the office action stated that claims 11 and 13 are withdrawn from further consideration. These claims are currently drawn to a non-elected species, but the search should also be extended to these non-elected species of formula (I) and these claims should be rejoined as they further define compounds of general formula (I). The same is true for claims 22 to 26 which are in fact dependent from claim 1 as these claims contain all claim limitations given in claim 1.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Applicant believes no additional fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 14113-00044-US from which the undersigned is authorized to draw.

Dated: August 4, 2010

Respectfully submitted,

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